

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

THE LEADER'S INSTITUTE, LLC §
and DOUG STANEART, §
§
Plaintiffs and Counter-Defendants, §
§
v. § Case No. 3:14-cv-03572-B
§
ROBERT JACKSON, and §
MAGNOVO TRAINING GROUP, LLC, §
§
Defendants and Counter-Plaintiffs. §

**DEFENDANT ROBERT JACKSON'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 56 and applicable Local Rules, Defendant and Counter-Plaintiff Robert Jackson (“Jackson”) hereby moves for partial summary judgment against Plaintiffs and Counter-Defendants The Leader’s Institute, LLC (“TLI”) and Doug Staneart (“Staneart”, and collectively “Plaintiffs”) and in support of which state as follows:

SUMMARY OF ELEMENTS

1. The elements of each claim of Plaintiff’s Third Amended Complaint for which summary judgment is sought are set forth in the Brief, and are also listed below. The italicized element is the specific one challenged for each cause of action.

- a. Cause of Action E – Unfair Competition by Misappropriation
 - i. The creation of Plaintiff’s product through extensive time, labor, skill and money;
 - ii. *The defendant’s use of that product in competition with the plaintiff, thereby gaining a special advantage in that competition; and*
 - iii. Commercial damage to plaintiff.

b. Cause of Action F – Misappropriation of Trade Secrets

- i. *The existence of a trade secret;*
- ii. Breach of a confidential relationship or improper discovery of a trade secret;
- iii. *Use of the trade secret; and*
- iv. Damages.

c. Cause of Action G – Conversion

- i. Plaintiff owned, possessed, or had the right of immediate possession of the property;
- ii. *Defendant wrongfully exercised dominion or control over the property to the exclusion of and inconsistent with the plaintiff's rights;*
- iii. The plaintiff demanded return of the property; and
- iv. Defendant failed to return it.

d. Cause of Action H – Breach of Contract

- i. The existence of a contract;
- ii. The plaintiff performed or tendered performance according to the terms of the contract;
- iii. *The defendant breached the contract; and*
- iv. Plaintiff sustained damages as a result of defendant's breach.

e. Cause of Action I – Tortious Interference with Prospective Business Relations

- i. There was a reasonable probability that plaintiff would have entered into a business relationship with a third party;

- ii. The defendant either acted with a conscious desire to prevent the relationship from occurring or knew the interference was certain or substantially certain to occur as a result of the conduct;
- iii. *The defendant's conduct was independently tortious or unlawful;*
- iv. The interference proximately caused plaintiff's injury; and
- v. Plaintiff suffered actual damage or loss as a result.

2. Defendant seeks summary judgment against Plaintiffs with regard to the Causes of Action as enumerated herein and in the supporting Brief submitted herewith.

3. Because there are no genuine issues of material fact with regard to these enumerated claims, Defendants are entitled to judgment as a matter of law with regard to each of them.

Concurrently with this Motion, Defendants submit a supporting Brief. Thus, for the reasons stated in Defendants' Brief, this Court should enter partial summary judgment in favor of Defendants and against Plaintiffs with regard to the enumerated Causes of Action.

Dated: August 1, 2016

Respectfully submitted,

By: s/ William K. Doss

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**ATTORNEYS FOR DEFENDANTS ROBERT JACKSON
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CERTIFICATE OF SERVICE

On August 1, 2016 I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. I hereby certify that I have served all counsel of record in this lawsuit electronically.

s/ William K. Doss
William K. Doss